

REMARKS

Claims 13-24 are pending in the present application. Claims 13-24 have been added. Claims 1-12 have been cancelled without prejudice, as explained below. Support for the new claims can be found in the original claims. Accordingly, applicants respectfully submit that no new matter has been added.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Telephone Interview Regarding Finality of December 26, 2003 Office Action

On March 25, 2003, the undersigned conducted a telephone interview with Examiner Gray regarding the finality of the December 26, 2003 Office Action. The undersigned expressed the position that the finality of the previous Office Action was not warranted in light of: (1) The annexes of the PCT phase were indicated as being entered in the Notification of Acceptance of Application Under 35 U.S.C. § 371 dated September 17, 2001; (2) In the Office Action dated July 8, 2002, no claims were rejected, only objected to due to claim format; (3) In the response dated October 8, 2002, Applicants provided a substitute specification, with clean versions of the claims to remove the handwritten markings appearing on the annexes, where the only amendment made was to original dependent claim 9, to remove the term "means of"; and (4) in the Office Action dated December 26, 2002, prior art rejections were made for the first time, under final.

By way of voice mail message on March 25, 2003, the Examiner indicated that she had spoken with her supervisor, and would remove the finality of the previous Office Action. In addition, the Examiner requested that applicants cancel the original claims and submit them as new claims. Applicants have complied with that request, as indicated in the above amendment.

The Examiner is encouraged to provide an indication of the removal of the finality of the December 26, 2002 Office Action in the next Action issued from the Patent Office. Further, the Examiner is invited to comment on the above description of the telephone interview if deemed necessary.

Applicants thank the Examiner for her efforts in the Interview.

Claim Amendments

Applicants note that the new claims 13-24 correspond with previously pending claims 1-12, with the following exceptions. First, reference numbers have been removed from claims 13 and 20. Claims 18 and 19 differ from previously pending claims 6 and 7 in that the terms "such as" and "or" have been replaced by "comprising at least one of" and "and." New claim 20 corresponds with previously pending claim 8, but now further recites an explicit recitation that the polyester is disposed on the intermediate layer. Other revisions were made to claims 20, 22, and 24 (which correspond to previously pending claims 8, 10, and 12) to correct antecedent basis informalities.

Claim Rejections Under 35 U.S.C. § 102(b)

In the Office Action, claims 1, 6, and 8-9 were rejected under 35 U.S.C. § 102(b), as being anticipated by Creps (USP 4,358,887). Applicants respectfully traverse this rejection for the following reasons.

Creps does not anticipate new claim 13 (which corresponds to previously pending claim 1) because Creps does not disclose "said steel core being covered with an intermediate coating layer, and immediately thereupon with a polymer." Instead, Creps (at col. 3, lines 29-32), discloses that a chromate coating is deposited between the intermediate galvanized coating and the plastic coating. As a result, Creps does not disclose the claimed structure. With respect to claim 20, Creps does not disclose "wherein said polyester is disposed on said intermediate coating layer" for the same reasons.

Further, Creps does not disclose that the polyester is "colored" as is recited in claim 13. In contrast, Creps teaches a "clear" plastic at col. 3, line 32, not a colored polyester.

Finally, Creps does not teach a "wire" as claimed. Instead, Creps is directed to galvanized pipe, not a "steel wire having a steel core" as is recited in claim 13.

Similarly, with respect to claim 20, Creps does not disclose "providing a steel core" as is claimed.

Thus, for at least the above reasons, applicants respectfully submit that claims 13, 18, 20, and 21 are not anticipated by Creps.

Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, claims 2-5, 7, and 9-12 were rejected under 35 U.S.C. §103 as being unpatentable over Creps in view of European Patent Publication No. 791,453 (hereinafter Busby) and Great Britain Publication No. 2,077,762 (Sou). Applicants respectfully traverse these rejections for the following reasons.

Applicants respectfully submit that that a prima facie case of obviousness has not been established because (1) the Creps/Busby/Sou combination does not teach or suggest each element of the claimed invention and (2) there is no suggestion or motivation in the cited prior art to modify Creps with Busby and Sou to produce applicants' claimed invention.

As stated above, Creps does not disclose the required features of claims 13 and 20. In particular, Creps does not teach or suggest a colored polyester formed on an intermediate coating of a steel wire. In fact, Creps teaches away from the claimed structure in that Creps requires that an additional chromate coating is necessary, and is disposed between the galvanized coating and the plastic. Thus, even if Busby were combined with Creps, the structure of the resulting product would be different in that a chromate coating would be interposed. Moreover, there is no motivation provided in either Creps or Busby to coat a steel wire, as neither reference is directed to coating steel wires.

In addition, Sou does not overcome the deficiencies of Creps/Busby. First, applicant respectfully submits that the PTO has not carried its initial burden of pointing to some suggestion or motivation from within the prior art itself to combine the cited references, which are from different fields of endeavor (manufacturing metal strips and

pipes versus steel wires). Therefore, it is unlikely that a person skilled in the art would have been motivated to modify Creps/Busby with Sou in the manner alleged. Moreover, even though Sou is directed to making a galvanized wire (for manufacturing furniture), Sou is silent as to any coating steps other than hot dipping (galvanizing) the wire in molten zinc. Thus, even if the references were combined, there would be no motivation to modify Creps/Busby, which would include a chromate coating, and produce applicants' claimed structure and method.

Accordingly, applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

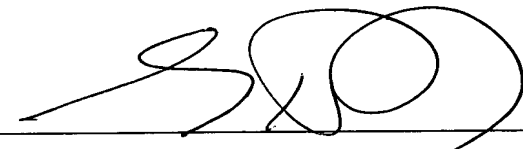
Conclusion

If applicants have not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge to our Deposit Account No. 19-0741. If applicants have not accounted for a required extension of time under 37 C.F.R. § 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date March 26, 2003

By 

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Gregg H. Rosenblatt
Attorney for Applicant
Registration No. 45,056